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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

3 08 70501

**BZ**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY ROBERT JEAN LEGER,

Defendant.

CRIMINAL NO.

NOTICE OF PROCEEDINGS ON  
OUT-OF-DISTRICT CRIMINAL  
CHARGES PURSUANT TO RULES  
5(c)(2) AND (3) OF THE FEDERAL RULES  
OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal  
Procedure that on August 1, 2008, the above-named defendant was arrested based upon an arrest  
warrant (copy attached) issued upon an

☒ Indictment

☐ Information

☐ Criminal Complaint

☐ Other (describe) \_\_\_\_\_

pending in the Southern District of Florida, Case Number 02-20886.

1 In that case, the defendant is charged with a violation(s) of Title(s) 18 & 20 United  
2 States Code, Section(s) 371, 1343 and 2; and 1097(a) . Description of Charges: Pell Grant  
3 Fraud and Wire Fraud and conspiracy to commit same.

4  
5 Respectfully Submitted,

6 JOSEPH P. RUSSONIELLO  
7 UNITED STATES ATTORNEY

8 Date: August 4, 2008

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10 JEFFREY R. ENIGAN  
11 Assistant U.S. Attorney  
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WARRANTS MIAMI

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AO 442 (Rev. 5/93) Warrant for Arrest

DOE/OIG 702086

# United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

HENRY ROBERT JEAN LEGER

## 02 - 20886

CASE NUMBER:

WARRANT FOR ARREST

OR - LENARD

To: The United States Marshal  
and any Authorized United States OfficerMAGISTRATE JUDGE  
SIMONTONYOU ARE HEREBY COMMANDED to arrest HENRY ROBERT JEAN LEGER

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐

charging him or her with (brief description of offense)

Pell Grant Fraud and Wire Fraud, and conspiracy to commit same,

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UNITED STATES MARSHAL  
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SOUTHERN DISTRICT OF  
FLORIDA  
WARRANTS

 in violation of Title 18 United States Code, Section(s) 371, 1343, and 2; and  
20 United States Code, Section 1097(a)

CLARENCE MADDOX

Name of Issuing Officer

Signature of Issuing Officer

COURT ADMINISTRATOR/CLERK OF COURT

Title of Issuing Officer

Date and Location

10-24-02 Miami, Florida
Bail fixed at \$ 100,000 psb by

PETER R. PALERMO

Name of Judicial Officer

### RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

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WARRANTS MIAMI

PAGE 03/18

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

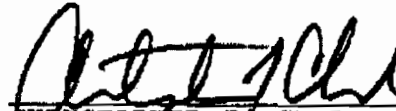
BOND RECOMMENDATION

DEFENDANT: HENRY ROBERT JEAN LEGER

\$100,000 Personal Surety Bond

(Surety, Recognizance, Corp. Surety, Cash) (Jail)  
CSB (No Bond) (Warrant) (Summons) (Marshal's Custody)

By:



CHRISTOPHER J. CLARK

ASSISTANT UNITED STATES ATTORNEY

Last Known Address: 7945 LaSalle Boulevard

Miramar, Florida 33023

What Facility:

Agent(s): S/A MORAIMA RYSKIND, Department of Education, Office  
of Inspector General

(FBI) (SECRET SERVICE) (DEA) (IRS) (CUSTOMS) (OTHER)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**02 - 20886 CR - LEMARD**

CASE NO: \_\_\_\_\_

18 U.S.C. §371  
20 U.S.C. §1097(a)  
18 U.S.C. §1343  
18 U.S.C. §2

MAGISTRATE JUDGE  
SIMONTON

UNITED STATES OF AMERICA

v.

JAIME BAUDELINO HURTADO,  
MARIA ESTHER MENA,  
and  
HENRY ROBERT JEAN LEGER,

**Defendants.**

**INDICTMENT**

The Grand Jury charges that:

**GENERAL ALLEGATIONS**

At all times material to this Indictment:

**THE PELL GRANT PROGRAM**

1. The United States Department of Education ("Department of Education") was a department and agency of the United States responsible for, among other things, the management, oversight and distribution of federal student financial aid funds.

2. The Pell Grant Program ("Pell" or "Pell Grant Program") is a federally funded educational financial aid program administered by the Department of Education under Title IV of the Higher Education Act of 1965 ("Title IV"). The purpose of the Pell Grant Program is to provide financial aid to low-income students enrolled in eligible institutions of higher education. Student eligibility for a Pell grant is determined in part by an analysis of the financial condition of the student, the student's family (if the student is a dependent), and the student's spouse (if married).

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Educational institutions participating in the Pell Grant Program receive and disburse grant funds on behalf of eligible students.

3. The Miami Technical Institute ("Miami Technical"), located at 14701 N.W. 7th Avenue, Miami, Florida, was a private vocational school that offered post-secondary education, including several non-degree programs in health care and business. Miami Technical was approved by the Department of Education to participate in the Pell Grant Program.

4. To apply for a Pell grant, a student at Miami Technical was required to complete and sign a Free Application for Federal Student Aid ("FAFSA"), which contained specific information about the student's financial condition, including, among other things, the current marital status of the student and the student's parents (if the student is a dependent), the student's family size, the income tax filing status of the student and the student's parents for the relevant tax year, and the income earned by the student, the student's spouse (if married) and the student's parents (hereafter collectively referred to as the "student financial information").

5. The FAFSA, once completed by the student, was transmitted via wire communication utilizing a computer modem by an employee at Miami Technical's Financial Aid Office to an independent contractor in Fort Lauderdale, Florida, known as Financial Aid Management for Education ("FAME"), which forwarded the information via interstate wires utilizing a computer modem to the Department of Education's Central Processor ("Central Processor"), located in Iowa City, Iowa.

6. The Central Processor used the information on the FAFSA to create an Institutional Student Information Record ("ISIR") for each student applicant. The Central Processor then returned the ISIR via interstate wires utilizing a computer modem to FAME, which then forwarded the ISIR via modem to Miami Technical for verification and signature by the student. The Central Processor also mailed a Student Aid Report Information Acknowledgment ("SAR") directly to the student via the United States mail. The ISIR and SAR included a printout of the information reported on the FAFSA.

7. After determining the amount of Pell funds the student was eligible to receive, Miami Technical credited the student's account with the appropriate amount of Pell funds. Miami Technical then forwarded to FAME all documents required to process Pell disbursements. FAME then packaged and mailed to the Department of Education the supporting documentation required for the school to be reimbursed for each student, specifically listing the students for which it sought reimbursement of Pell funds, confirming the students' actual attendance and their eligibility to receive Pell funds, and the actual amount of Pell funds the students had received.

8. Upon the Department of Education's review and approval of the supporting documentation, the Department of Education wire transferred the Pell funds to a designated account maintained by Miami Technical for the receipt of federal funds. These funds were then transferred to Miami Technical's operating account and used to pay for the student's tuition and other fees.

#### THE DEFENDANTS

9. Defendant **JAIME BAUDELINO HURTADO** was employed as an Admissions Representative at Miami Technical from at least in or around August 1994 through December 2000. As an Admissions Representative, defendant **JAIME BAUDELINO HURTADO** enrolled and recruited students to attend Miami Technical. Defendant **JAIME BAUDELINO HURTADO** directed students at Miami Technical who sought to participate in the Pell Grant Program to provide false financial information to Miami Technical for submission to the Department of Education.

10. Defendant **MARIA ESTHER MENA** was employed as an Admissions Representative at Miami Technical from at least in or around July 1994 through December 2000. As an Admissions Representative, defendant **MARIA ESTHER MENA** enrolled and recruited students to attend Miami Technical. Defendant **MARIA ESTHER MENA** directed students at Miami Technical who sought to participate in the Pell Grant Program to provide false financial information to Miami Technical for submission to the Department of Education.

11. Defendant **HENRY ROBERT JEAN LEGER** was employed as an Admissions Representative at Miami Technical from at least in or around September 1996 through mid-1999.

As an Admissions Representative, defendant **HENRY ROBERT JEAN LEGER** enrolled and recruited students to attend Miami Technical. Defendant **HENRY ROBERT JEAN LEGER** directed students at Miami Technical who sought to participate in the Pell Grant Program to provide false financial information to Miami Technical for submission to the Department of Education.

**COUNT 1**  
**(Conspiracy)**

12. The allegations of Paragraphs 1 through 11 of the General Allegations Section are realleged and incorporated as if fully set forth herein.

13. From in or around July 1994, and continuing through in or around December 2000, at Miami, Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JAIME BAUDELINO HURTADO,**  
**MARIA ESTHER MENA,**  
**and**  
**HENRY ROBERT JEAN LEGER,**

did knowingly and willfully combine, conspire, confederate and agree with each other and with others, known and unknown to the Grand Jury, to commit the following offenses against the United States:

(a) to violate Title 20, United States Code, Section 1097(a), by obtaining by fraud and false statements, funds, assets, and property provided under Subchapter IV of Chapter 28 of Title 20, United States Code, that is, Pell Grant funds; and

(b) to violate Title 18, United States Code, Section 1343, by knowingly and willfully devising a scheme and artifice to defraud, and to obtain money by means of materially false and fraudulent pretenses, representations, and promises, and transmitting writings, signs, signals, pictures, and sounds by means of wire communication affecting interstate commerce.

PURPOSE AND OBJECT OF THE CONSPIRACY

14. It was the purpose and object of the conspiracy for the defendants to enrich themselves through bonuses and/or commissions, which were based on the number of students they had recruited and qualified for the Pell Grant Program.

MANNER AND MEANS

15. It was a part of the conspiracy for defendants **JAIME BAUDELINO HURTADO**, **MARIA ESTHER MENA**, and **HENRY ROBERT JEAN LEGER** to meet with students and advise them that Pell Grant funds were available to low-income individuals to help pay for a portion of their tuition.

16. It was a part of the conspiracy for defendants **JAIME BAUDELINO HURTADO**, **MARIA ESTHER MENA**, and **HENRY ROBERT JEAN LEGER** to assist and encourage numerous students at Miami Technical, who did not qualify to receive Pell Grant funds, to provide false student financial information on the FAFSA. Defendants **JAIME BAUDELINO HURTADO**, **MARIA ESTHER MENA**, and **HENRY ROBERT JEAN LEGER** would at times encourage students to declare that their parents had not filed a federal income tax return for the relevant tax year; or that the student, the student's spouse and/or the student's parents had little or no income for the relevant tax year; or that the student was independent from, and received no support from, his/her parents.

17. It was a part of the conspiracy for defendants **JAIME BAUDELINO HURTADO**, **MARIA ESTHER MENA**, and **HENRY ROBERT JEAN LEGER** to instruct students to submit false financial information to Miami Technical's Financial Aid Officer, who would assist students in completing the FAFSA and include the false financial information provided by the students. 1

18. It was a further part of the conspiracy for defendants **JAIME BAUDELINO HURTADO**, **MARIA ESTHER MENA**, and **HENRY ROBERT JEAN LEGER** to receive a bonus or commission based on the number of students they had recruited and qualified for the Pell Grant Program.

19. Through the aforementioned conduct, defendant **JAIME BAUDELINO HURTADO** caused approximately \$72,617.00 of Pell Grant funds to be disbursed from September 1994 to November 2000 to students who submitted false financial information on their FAFSAs.

20. Through the aforementioned conduct, defendant **MARIA ESTHER MENA** caused approximately \$45,590.00 of Pell Grant funds to be disbursed from July 1994 to March 2000 to students who submitted false financial information on their FAFSAs.

21. Through the aforementioned conduct, defendant **HENRY ROBERT JEAN LEGER** caused approximately \$46,175.00 of Pell Grant funds to be disbursed from September 1996 to March 2000 to students who submitted false financial information on their FAFSAs.

#### OVERT ACTS

22. In furtherance of the conspiracy and to effect the objects thereof, at least one of the co-conspirators committed or caused to be committed in the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

A. On or about May 23, 1997, defendant **JAIME BAUDELINO HURTADO** advised student R.M. to write a letter falsely stating that she lived alone and was self-sufficient.

B. On or about June 13, 1997, defendant **MARIA ESTHER MENA** advised student S.M. to understate her income for 1996 on the FAFSA.

C. On or about August 25, 1997, defendant **MARIA ESTHER MENA** advised student N.F. to understate her income for 1996 on the FAFSA.

D. On or about September 25, 1997, defendant **HENRY ROBERT JEAN LEGER** caused student S.S. to sign a FAFSA that falsely stated that she did not file an income tax return for 1996 and understated her income for that year.

E. On or about December 4, 1997, defendants **MARIA ESTHER MENA** and **HENRY ROBERT JEAN LEGER** jointly advised student M.B. to lie about her marital status and to understate her 1996 income on the FAFSA.

F. On or about January 8, 1998, defendant **HENRY ROBERT JEAN LEGER** advised student K.U. to write a letter falsely stating that she did not file an income tax return for 1996 and that she did not know the whereabouts of her parents.

G. On or about September 21, 1998, defendant **JAIME BAUDELINO HURTADO** advised student P.M. to falsely claim on the FAFSA that she did not file an income tax return for 1997 and to understate her income.

H. On or about October 27, 1997, defendant **MARIA ESTHER MENA** caused the Department of Education to pay approximately \$1,350 in Pell Grant funds to Miami Technical on behalf of student N.F.

I. On or about November 20, 1997, defendant **HENRY ROBERT JEAN LEGER** caused the Department of Education to pay approximately \$1,350 in Pell Grant funds to Miami Technical on behalf of student S.S.

J. On or about December 19, 1997, defendant **JAIME BAUDELINO HURTADO** caused the Department of Education to pay approximately \$1,350 in Pell Grant funds to Miami Technical on behalf of student R.M.

K. On or about March 11, 1998, defendants **MARIA ESTHER MENA** and **HENRY ROBERT JEAN LEGER** caused the Department of Education to pay approximately \$1,350 in Pell Grant funds to Miami Technical on behalf of student M.B.

L. On or about March 11, 1998, defendant **HENRY ROBERT JEAN LEGER** caused the Department of Education to pay approximately \$1,350 in Pell Grant funds to Miami Technical on behalf of student K.U.

M. On or about November 17, 1998, defendant **JAIME BAUDELINO HURTADO** caused the Department of Education to pay approximately \$1,500.00 in Pell Grant funds to Miami Technical on behalf of student P.M.

N. On or about November 10, 1997, defendant **JAIME BAUDELINO HURTADO** caused an ISIR to be transmitted by means of wire communication from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student R.M.

O. On or about December 11, 1997, defendants **MARIA ESTHER MENA** and **HENRY ROBERT JEAN LEGER** caused an ISIR to be transmitted by means of wire communication from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student M.B.

P. On or about January 16, 1998, defendant **HENRY ROBERT JEAN LEGER** caused an ISIR to be transmitted by means of wire communication from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student K.U.

Q. On or about October 5, 1998, defendant **JAIME BAUDELINO HURTADO** caused an ISIR to be transmitted by means of wire communication from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student P.M.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 2-7**  
**(Pell Grant Fraud)**

1. The allegations of Paragraphs 1 through 11 of the General Allegations Section of Count 1 are realleged and incorporated as if fully set forth herein.

2. On or about the dates listed as to each count below, at Miami, Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JAIME BAUDELINO HURTADO,**  
**MARIA ESTHER MENA,**  
**and**  
**HENRY ROBERT JEAN LEGER,**

did knowingly and willfully obtain by fraud and false statement, funds, assets, and property provided under Subchapter IV of Chapter 28 of Title 20, United States Code, namely Pell Grant funds, as set forth below:

COUNT	DEFENDANT	APPROXIMATE DATE	AMOUNT RECEIVED	STUDENT
2	MARIA ESTHER MENA	10/27/97	\$1,350	N.F.
3	HENRY ROBERT JEAN LEGER	11/20/97	\$1,350	S.S.
4	JAIME BAUDELINO HURTADO	12/19/97	\$1,350	R.M.
5	MARIA ESHER MENA and HENRY ROBERT JEAN LEGER	3/11/98	\$1,350	M.B.
6	HENRY ROBERT JEAN LEGER	3/11/98	\$1,350	K.U.
7	JAIME BAUDELINO HURTADO	11/17/98	\$1,500	P.M.

All in violation of Title 20, United States Code, Section 1097(a), and Title 18, United States Code, Section 2.

**COUNTS 8-11**  
**(Wire Fraud)**

1. The allegations of Paragraphs 1 through 11 of the General Allegations Section of Count 1 are realleged and incorporated as if fully set forth herein.

2. On or about the dates listed as to each count below, at Miami, Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**JAIME BAUDELINO HURTADO,  
MARIA ESTHER MENA,  
and  
HENRY ROBERT JEAN LEGER,**

did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money, that is, Pell Grant funds, by means of materially false and fraudulent pretenses, representations and promises, knowing that the pretenses, representations and promises were false and fraudulent when made.

**SCHEME AND ARTIFICE TO DEFRAUD**

3. It was part of the scheme and artifice to defraud for the defendants to obtain Pell Grant funds for students enrolled at Miami Technical through the submission of false student financial information and documents to the Department of Education.

USE OF WIRE COMMUNICATIONS

4. On or about the dates listed below as to each count, for the purpose of executing said scheme and artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations and promises, the defendants,

**JAIME BAUDELINO HURTADO,  
MARIA ESTHER MENA,  
and  
HENRY ROBERT JEAN LEGER,**

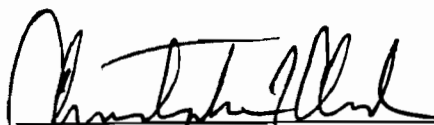
transmitted and caused to be transmitted by means of wire communication in interstate commerce writings, as set forth below:

COUNT	APPROXIMATE DATE	WIRE COMMUNICATION
8	11/10/97	Computer transmission of ISIR via modem from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student R.M.
9	12/11/97	Computer transmission of ISIR via modem from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student M.B.
10	1/16/98	Computer transmission of ISIR via modem from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student K.U.
11	10/5/98	Computer transmission of ISIR via modem from Iowa City, Iowa, to Fort Lauderdale, Florida, on behalf of student P.M.

All in violation of Title 18, United States Code, Sections 1343 and 2.

  
FOREPERSON

  
MARCOS DANIEL JIMENEZ  
UNITED STATES ATTORNEY

  
CHRISTOPHER J. CLARK  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

02-20886

CR-LEONARD

UNITED STATES OF AMERICA

## CERTIFICATE OF TRIAL ATTORNEY\*

v.

JAIME BAUDELINO HURTADO,  
MARIA ESTHER MENA  
and  
HENRY ROBERT JEAN LEGERMAGISTRATE JUDGE  
CLAYTON

## Superseding Case Information:

Court Division: (Select One)

X Miami      Key West  
     FTL      WPB      FTPNew Defendant(s) Yes      No       
Number of New Defendants       
Total number of counts     

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) Yes  
List language and/or dialect Spanish

- This case will take 5 days for the parties to try.

- Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	<u>    </u>
II	6 to 10 days	<u>    </u>	Minor	<u>    </u>
III	11 to 20 days	<u>    </u>	Misdem.	<u>    </u>
IV	21 to 60 days	<u>    </u>	Felony	<u>X</u>
V	61 days and over	<u>    </u>		

- Has this case been previously filed in this District Court? (Yes or No) NO

If yes:

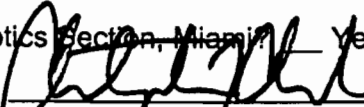
Judge:      Case No.       
(Attach copy of dispositive order)Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No.     Related Miscellaneous numbers:     Defendant(s) in federal custody as of     Defendant(s) in state custody as of     Rule 20 from the      District of     Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No If yes, was it pending in the Central Region? Yes      No

- Did this case originate in the Narcotics Section, Miami? Yes X No

  
 CHRISTOPHER J. CLARK  
 ASSISTANT UNITED STATES ATTORNEY  
 Florida Bar No. 0588040

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET **02-20886** - LEONARD

Defendant's Name: JAIME BAUDELINO HURTADO

Case No: \_\_\_\_\_

Count #: 1

MAX. PENALTY: FIVE  
YEARS' IMPRISONMENT

Conspiracy to Commit Pell Grant and Wire Fraud

Title 18, United States Code, Section 371

\* Max. Penalty: Five (5) years' imprisonment

Counts #: 2 - 7

Pell Grant Fraud

Title 20, United States Code, Section 1097(a)

\* Max. Penalty: Five (5) years' imprisonment

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CLERK OF COURT  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Counts #: 8 - 11

Wire Fraud

Title 18, United States Code, Sections 1343 and 2

\* Max. Penalty: Five (5) years' imprisonment

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

02-20886-M-LENARD

Defendant's Name: MARIA ESTHER MENA

Case No: \_\_\_\_\_

MAGISTRATE JUDGE  
SIMONTON

Count #: 1

Conspiracy to Commit Pell Grant and Wire Fraud

Title 18, United States Code, Section 371

\* Max. Penalty: Five (5) years' imprisonment

Counts #: 2 - 7

Pell Grant Fraud

Title 20, United States Code, Section 1097(a)

\* Max. Penalty: Five (5) years' imprisonment

Counts #: 8 - 11

Wire Fraud

Title 18, United States Code, Sections 1343 and 2

\* Max. Penalty: Five (5) years' imprisonment

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

02-20886 CR-LEGER

Defendant's Name: HENRY ROBERT JEAN LEGER

Case No: \_\_\_\_\_

MAGISTRATE JUDGE  
SALONJON

Count #: 1

Conspiracy to Commit Pell Grant and Wire Fraud

Title 18, United States Code, Section 371

\* Max. Penalty: Five (5) years' imprisonment

Counts #: 2 - 7

Pell Grant Fraud

Title 20, United States Code, Section 1097(a)

\* Max. Penalty: Five (5) years' imprisonment

Counts #: 8 - 11

Wire Fraud

Title 18, United States Code, Sections 1343 and 2

\* Max. Penalty: Five (5) years' imprisonment

FILED  
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